

In re Patent Application of:
OLOFSSON ET AL.
Serial No. 09/582,637
Filed: October 20, 2000 /

REMARKS

Claims 34-63 remain pending in the application. Reconsideration of the rejections is requested for at least the reasons set forth below.

The present invention, as recited, for example, in independent Claim 34, is directed to an active POTS splitter comprising active splitter circuitry for connecting to a subscriber line to separate analog POTS signals from xDSL signals, and line test circuitry associated with the active splitter circuitry for transmitting a test signal on the line based upon at least one of an event and receipt of a test request signal. In addition, the claim recites that the line test circuitry has associated therewith a unique identity code transmitted with the test signal. Independent Claim 46 is directed to a method including use of such features in measuring quality parameters relating to xDSL transmission on a subscriber line. Independent Claim 63 is directed to a telecommunications system also including such features.

Claims 34-63 were rejected in view of various combinations of Scholtz et al. (U.S. 6,301,337), Dresser (U.S. 5,357,556), Lechleider (U.S. 6,091,713), Bingel (U.S. 6,014,425), Winkler (U.S. 5,870,451), Kennedy (U.S. 5,799,060), Keefe (U.S. 6,005,921), Chan (U.S. 5,974,115) and/or EP 0790977 for the reasons set forth on pages 2-8 of the Office Action.

Applicants contend that Claims 34-63 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections under 35 U.S.C. §103 is requested.

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In rejecting independent Claims 34, 46, 49 and 63, the Examiner asserts that the Scholtz et al. patent teaches most of the claimed subject matter. While correctly recognizing that the Scholtz et al. patent does not teach or suggest using a unique identity code, the Examiner asserts, that it is "notoriously well known" in the art to use identification codes including "ANI or CLI" to identify a subscriber loop. The Examiner also relies on a selective combination of the Scholtz et al. patent with the Dresser or Lechleider et al. to allegedly meet the claimed features.

Applicant agrees with the Examiner that the Scholtz et al. patent is directed to a handset and POTS filter for testing transmission quality of a local loop. But Applicants emphasize that the handset and POTS filter of the Scholtz et al. patent are explicitly related to testing at a subscriber's premises, for example, at the junction box located at the subscriber's home or office as taught by Scholtz et al. at column 2, Lines 60-66, and column 5, Lines 5-17. In other words, the purpose of the Scholtz et al. patent is to allow manual on-premise testing by a field technician, and, accordingly, there is no need for a unique identity code to be transmitted with the test signal. A capability for using a unique code in identifying the test handset is irrelevant to the Scholtz et al. patent. Accordingly, there is no suggestion or motivation for the selective combination of the use of automatic number identification with the Scholtz et al. patent. Moreover, even such a selective combination fails to produce the claimed invention.

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The Dresser patent is directed to a system and method for testing equipment in a telephone network for remote maintenance and verification of subscriber loops. The system and method accommodate known AC and DC fault testing techniques while providing duplex verification of the subscriber loop identification. The Examiner describes the Lechleider et al. patent as teaching generation of a test signal and identification of a subscriber loop through caller ID or ANI information. The Lechleider et al. patent discloses a logic device that places a telephone call, via a modem at a subscriber's premises, to a distant modem at a qualification center to determine the viability of deploying ADSL over the subscriber line.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in Applicants' disclosure.

The Scholtz et al. patent, as noted already, is directed to a handset that can be taken by a technician to a subscriber's premises to perform on-premise testing. In contrast, the Dresser system includes an ID unit located at the local central office, and the Lechleider et al. patent relies on a logic device such as the subscriber's own personal computer, a Set top Box, a Web TV, or any other device already

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at the subscriber's premises. The logic device communicates via a modem to a service provider at a remote central location so that a determination can be made at the central location as to whether the subscriber loop can support copper-based broadband technology. The Dresser or Lechleider et al. patents do not teach or suggest that the respective devices are combined with, or part of, an active POTS splitter. Accordingly, there is no motivation for selectively combining any of the patents, and indeed, each teaches away from the other.

The other cited references are relied upon by the Examiner to teach the use of various line testing features. However, none of these references makes up for the deficiencies of the Scholtz, Dresser and Lechleider references as discussed above.

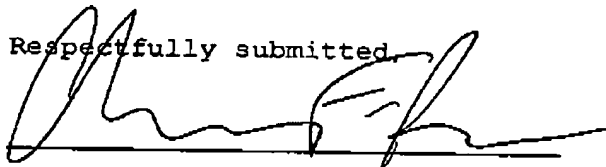
There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in Claims 34, 46, 49 and 63. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. In view of their patentability, Applicants submit that their dependent claims, which recite yet additional features of the present invention are also patentable. No further discussion of these claims is therefore necessary.

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CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. If any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Christopher F. Regan
Reg. No. 34,906
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Telephone: 407/841-2330
Fax: 407/841-2343
Attorney for Applicants

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CERTIFICATE OF FACSIMILE

I HEREBY CERTIFY that the foregoing correspondence
has been forwarded via facsimile number 703-872-9314 to the
Assistant Commissioner for Patents, Washington, D.C. 20231 on
this 9th day of April 2003.

